IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

FRIDAY, THE 28TH SEPTEMBER 2007 / 6TH ASWINA 1929

WP(C).No. 28118 of 2007(V)

PETITIONER:

M/S.COCHIN LIQUORS (DISSOLVED),
COCHIN - 682 016, REPRESENTED BY MONEY SENAN,
MANAGING PARTNER, RESIDING AT MANI MANDIR,
PANAMPILLY NAGAR, COCHIN - 682 016.

BY ADV. SRI.T.M.SREEDHARAN
SRI.V.P.NARAYANAN

RESPONDENTS:

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1. THE ASSISTANT COMMISSIONER OF SALES TAX
SPECIAL CIRCLE - II, ERNAKULAM,
COCHIN - 682 016.

2. THE SPECIAL TAHSILDAR (R.R),
KANAYANNUR TALUK, ERNAKULAM.

3. STATE OF KERALA,
REPRESENTED BY CHIEF SECRETARY,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

BY GOVT. PLEADER MR. M.P. SREEKRISHNAN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.

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W.P.(C) No. 28118 OF 2007 V
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Dated this the 28th September, 2007

J U D G M E N T

Petitioner submits that they have been been making payments in terms of Ext. P1. According to the learned Govt. Pleader the total amount due from the petitioner is Rs.1,24,20,098/- and that so far the petitioner has paid Rs.89,56,409/-. On this basis it is submitted that still an amount of Rs.34,63,689/- is due to be remitted in terms of Ext. P1 order passed by this Court.

2. On the other hand, the learned counsel for the writ petitioner would submit that although the actual amount due is only Rs.85,21,371/-, they have already paid more than that. According to the counsel, quantification of interest is erroneous. This contention has been highlighted in Ext. P3 representation and the petitioner only seeks a direction to the 1st respondent to consider Ext. P3, take a decision and communicate the same to the petitioner.

3. I see justification in that request. Since, substantial amounts are involved in this matter, it is only appropriate that the actual amount due is informed to the petitioner. There will be a direction to the 1st respondent to consider Ext. P3 in the light of Ext. P1 and communicate the same to the petitioner as expeditiously as possible, at any rate with six weeks of receipt of a copy of this judgment. Before final orders are passed on Ext. P3 the petitioner is given an opportunity of being heard. However, I clarify that I am not interfering with the continued payment, if any further amount is due from the petitioner.

The writ petition is disposed of as above.

ANTONY DOMINIC
JUDGE

jan/-